



Attorney Docket No.: 50368/PPDUSPCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

SUNER ET AL.

APPLICATION NO: 10/009,231

FILED: April 9, 2002

FOR: A Method of Producing an Erythroid Cell which is Undifferentiated
yet Capable of Expressing a Heterologous Protein (new title)

ART UNIT: 1647

EXAMINER: BUNNER, Bridget E.

CONFIRMATION NO: 5862

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION OF MARY KAKEFUDA

I, Mary Kakefuda declare and state:

1. That I am the Attorney for Applicants for the captioned application;
2. That on January 28, 1999, Zeneca Agrochemicals, Jealotts Hill Research Station, Bracknell, Berkshire, RG42 6EZ, United Kingdom, deposited with the European Collection of Cell Culture (ECACC), Health Protection Agency, Porton Down, Salisbury, Wiltshire SP4 0JG, United Kingdom, in compliance with the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure.

Identification

MEL-C88L

ECACC Designation

99012801.

3. I hereby assure the United States Patent and Trademark Office and the public that (a) all restrictions on the availability to the public of the deposited material referred in paragraph 2 will be irrevocably removed upon issuance of a United States patent of which any of such deposited material is the subject; (b) the deposited material will be maintained for a period of at least five years after the most recent request for the

furnishing of a sample of any of the deposited material was received by the ECACC and, in any case, for a period of at least 30 years after the date of deposit for the effective life of such patent, whichever is longer, (c) should any of the deposits become non-viable or mutated, or otherwise incapable of being furnished by the depository upon request due to the condition of the deposit, it will be replaced by Applicants; and (d) access to the cultures will be available to the Commissioner during the pendency of the patent application or to one determined by the Commissioner to be entitled to such culture under 37 C.F.R. §1.14 and 35 U.S.C. §122.

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that I will make these statements with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under §1011 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date: March 31, 2005

Mary Kakefuda
Mary Kakefuda